

**MINUTES OF THE SEPTEMBER 6, 2012, MEETING
OF THE DATA SECURITY & PRIVACY COMMITTEE
OF THE GOVERNING BOARD OF THE
ILLINOIS HEALTH INFORMATION EXCHANGE AUTHORITY**

The Data Security and Privacy Committee (“Committee”) of the Board of Directors (the “Board”) of the Illinois Health Information Exchange Authority (“Authority”), pursuant to notice duly given, held a meeting at 9:15 a.m. on September 6, 2012, at the offices of the Office of Health Information Technology (“OHIT”), State of Illinois James R. Thompson Center, 100 W. Randolph, Suite 2-201, 100 W. Randolph Street, Chicago, IL 60601; with a telephone conference call and webinar participation capabilities.

<u>Appointed Committee Members Present:</u> Leah Bartelt Elissa Bassler David Carvalho Jud DeLoss David Holland Dr. Nicholas Panomitros Harry Rhodes	<u>OHIT Staff Present:</u> Mark Chudzinski; Krysta Heaney; Cory Verblen; Giannina Alonso (Legal Intern) <u>Invited guest:</u> Dr. David Stumpf
<u>Appointed Committee Members Present Electronically:</u> Pat Merryweather	

Call to Order and Roll Call

Mark Chudzinski, Secretary of the Authority and General Counsel of the Office of Health Information Technology (“OHIT”), welcomed the appointed Committee members present in person and electronically, and confirmed the presence of the Committee members noted above. There were no objections from the members of the Committee to the participation by electronic means of Pat Merryweather.

Deliberations Regarding ILHIE Privacy and Security Policy Options

The meeting opened with a discussion of the August 31, 2012 draft of the Committee’s Report of Preliminary Findings and Recommendations. Mr. Chudzinski led the discussion by presenting the Committee’s draft report. The report outlined the Committee’s recommendation that the Authority adopt a multi-stage approach to the development and implementation of ILHIE, and the adoption of corresponding patient data privacy and security policies to govern the operations of the ILHIE.

The Committee’s preliminary findings and recommendations included implementing an multi-stage approach in putting ILHIE/privacy and security policies into operation, harmonizing Illinois law with HIPAA to reduce uncertainty, provide patient privacy protection with “opt-out” choices for HIE participation, and launching the ILHIE with an “all-data-in or all-data-out”

patient choice – with the possibility of introducing more granular patient choices as technology develops.

In the ensuing discussion, it was suggested that the report wording be revised from a passive voice to a more active voice, and more definite as to identifying the Committee's recommendations to the Authority. It was also suggested that the report more clearly underscore the Committee's core commitment to patient health information privacy and security.

The Committee discussed at length the proposed implementation of an "opt-out" patient consent policy and the nature of the privacy protection that such a policy would afford, particularly in respect of patients with health data that is currently "specially-protected" in Illinois and subject to affirmative patient consent for disclosure (an "opt-in"), that the Committee was recommending be changed with respect to disclosures to the ILHIE. The consensus conclusion of the Committee's discussions was to recommend that patients with specially-protected patient health information be provided with meaningful disclosure regarding their "opt-out" right so as to promote their informed decision making. The Committee notes that Illinois laws currently require the provision to patients of adequate information to promote their informed decision making regarding a patient's right to decline ("opt-out") an HIV test. The Committee recommends that provision of meaningful disclosure not unduly impose significant administrative costs or subjective obligations upon health care providers.

While the Committee believes that this report reflects significant progress in the development by the Committee of key privacy and security policies, the Committee anticipates that additional deliberations will be necessary as the development and implementation of the ILHIE progresses.

Approval of Report of Preliminary Findings and Recommendations

The Committee discussed scheduling a follow-up Committee meeting to further discuss the revisions that need to be made to the Committee's report before its final approval and presentation to the Board on September 19, 2012.

Meeting Schedule/Timeline

The Committee set a follow-up Committee meeting, to be held on September 13, 2012, to discuss the revisions that need to be made to the Committee's report. The Committee anticipates that this will be the final meeting before the September 19, 2012 ILHIE board meeting.

Public Comment

There were no comments offered from the general public.

Adjournment

The meeting was adjourned at 2:53 p.m.